

House File 2363 - Introduced

HOUSE FILE 2363

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KONFRST, and EHLERT

A BILL FOR

1 An Act relating to the medical cannabidiol Act.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

MEDICAL CANNABIDIOL PROGRAM

Section 1. Section 124E.1, Code 2022, is amended to read as follows:

124E.1 Short title.

This chapter shall be known and may be cited as the "*Medical Cannabidiol Cannabis Act*".

Sec. 2. Section 124E.2, subsection 2, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. 1. Any other medical condition for which the patient's health care practitioner determines the use of medical cannabis could be medically beneficial.

Sec. 3. Section 124E.2, subsection 7, Code 2022, is amended to read as follows:

7. "*Health care practitioner*" means an individual licensed under [chapter 148](#) to practice medicine and surgery or osteopathic medicine and surgery, a physician assistant licensed under [chapter 148C](#), an advanced registered nurse practitioner licensed under [chapter 152](#), or an advanced practice registered nurse under [chapter 152E](#), who is a patient's primary care provider, ~~or~~ a podiatrist licensed pursuant to [chapter 149](#), or a pharmacist licensed pursuant to chapter 155A who has completed medical cannabis training requirements imposed by the board of pharmacy.

Sec. 4. Section 124E.3, subsection 1, paragraph a, Code 2022, is amended to read as follows:

a. (1) Determine, in the health care practitioner's medical judgment, whether the patient whom the health care practitioner has examined and treated suffers from a debilitating medical condition that qualifies for the use of medical ~~cannabidiol~~ cannabis under [this chapter](#), and if so determined, provide the patient with a written certification of that diagnosis.

(2) If a health care practitioner determines that the patient whom the health care practitioner has examined and treated suffers from a debilitating medical condition pursuant

1 to section 124E.2, subsection 2, paragraph "1", that qualifies
2 for the use of medical cannabis under this chapter, the health
3 care practitioner's written certification shall be based on
4 reasonable medical evidence, and shall be made in good faith,
5 in the best interest of the patient, without fraudulent intent,
6 and with the same reasonable medical judgment and prudence
7 exercised according to generally accepted medical practice.

8 Sec. 5. Section 124E.4, subsection 1, paragraph e, Code
9 2022, is amended to read as follows:

10 e. Submits a medical ~~cannabidiol~~ cannabis registration
11 card fee of ~~one hundred~~ ten dollars to the department. If
12 the patient attests to ~~receiving social security disability~~
13 ~~benefits, supplemental security insurance payments, or being~~
14 ~~enrolled in the medical assistance program, the fee shall be~~
15 twenty-five dollars submits documentation that the patient is a
16 veteran as defined in section 35.1, the department shall waive
17 the fee.

18 Sec. 6. Section 124E.4, subsection 3, paragraph c, Code
19 2022, is amended to read as follows:

20 c. Submits a medical ~~cannabidiol~~ cannabis registration card
21 fee of ~~twenty-five~~ ten dollars to the department.

22 Sec. 7. Section 124E.5, subsection 1, paragraphs a and b,
23 Code 2022, are amended to read as follows:

24 a. A medical ~~cannabidiol~~ cannabis board is created
25 consisting of ~~eight~~ ten practitioners representing the fields
26 of neurology, pain management, gastroenterology, oncology,
27 psychiatry, pediatrics, family medicine, physician assistance,
28 advanced practice registered nursing, and pharmacy, and one
29 representative from law enforcement.

30 b. The practitioners shall be licensed in this state and
31 nationally board-certified in their area of specialty and
32 knowledgeable about the use of medical ~~cannabidiol~~ cannabis.

33 Sec. 8. Section 124E.7, subsection 12, paragraph c, Code
34 2022, is amended to read as follows:

35 c. A medical ~~cannabidiol~~ cannabis manufacturer ~~shall not~~

1 may manufacture edible medical ~~cannabidiol~~ cannabis products.
2 However, an edible medical cannabis product shall not appear
3 in a form or be sold in packaging that would be likely to
4 appeal to children. The department shall adopt rules for the
5 implementation of this paragraph.

6 Sec. 9. Section 124E.9, subsection 14, Code 2022, is amended
7 to read as follows:

8 14. A medical ~~cannabidiol~~ cannabis dispensary shall not
9 dispense more than a combined total of ~~four and one-half~~
10 seventeen grams of total tetrahydrocannabinol to a patient and
11 the patient's primary caregiver in a ninety-day period, except
12 as provided in [subsection 15](#).

13 Sec. 10. Section 124E.9, subsection 15, unnumbered
14 paragraph 1, Code 2022, is amended to read as follows:

15 A medical ~~cannabidiol~~ cannabis dispensary may dispense
16 more than a combined total of ~~four and one-half~~ seventeen
17 grams of total tetrahydrocannabinol to a patient and the
18 patient's primary caregiver in a ninety-day period if any of
19 the following apply:

20 Sec. 11. Section 124E.9, subsection 15, paragraph b, Code
21 2022, is amended to read as follows:

22 *b.* The health care practitioner who certified the patient
23 to receive a medical ~~cannabidiol~~ cannabis registration
24 card certifies that the patient has participated in the
25 medical ~~cannabidiol~~ cannabis program and that the health
26 care practitioner has determined that ~~four and one-half~~
27 seventeen grams of total tetrahydrocannabinol in a ninety-day
28 period is insufficient to treat the patient's debilitating
29 medical condition. A certification issued pursuant to this
30 paragraph shall include a total tetrahydrocannabinol cap deemed
31 appropriate by the patient's health care practitioner.

32 Sec. 12. Section 124E.9, Code 2022, is amended by adding the
33 following new subsection:

34 NEW SUBSECTION. 16. A medical cannabis dispensary may send
35 medical cannabis to a patient or a patient's primary caregiver

1 following an initial telehealth consultation with the patient
2 and receipt of proof that the patient or patient's primary
3 caregiver possesses a valid medical cannabis registration card.
4 The department shall adopt rules for the implementation of this
5 subsection.

6 Sec. 13. NEW SECTION. 155A.49 **Medical cannabis —**
7 **recommendation.**

8 The board shall adopt rules establishing the requirements a
9 pharmacist must meet prior to recommending the use of medical
10 cannabis by a patient pursuant to chapter 124E.

11 Sec. 14. Section 423.3, subsection 60, paragraph a,
12 unnumbered paragraph 1, Code 2022, is amended to read as
13 follows:

14 "Drug" means a compound, substance, or preparation, and any
15 component of a compound, substance, or preparation, including
16 medical cannabis as defined in section 124E.2, other than
17 food and food ingredients, dietary supplements, or alcoholic
18 beverages, which is any of the following:

19 DIVISION II

20 MEDICAL CANNABIDIOL PROGRAM NAME CHANGE — CONFORMING CODE
21 CHANGES

22 Sec. 15. Section 124.401, subsection 5, unnumbered
23 paragraph 3, Code 2022, is amended to read as follows:

24 A person may knowingly or intentionally recommend, possess,
25 use, dispense, deliver, transport, or administer ~~cannabidiol~~
26 medical cannabis if the recommendation, possession, use,
27 dispensing, delivery, transporting, or administering is in
28 accordance with the provisions of chapter 124E. For purposes
29 of this paragraph, "~~cannabidiol~~" "medical cannabis" means the
30 same as defined in section 124E.2.

31 Sec. 16. Section 124E.2, subsections 8, 9, 10, and 11, Code
32 2022, are amended to read as follows:

33 8. "Laboratory" means the state hygienic laboratory at
34 the university of Iowa in Iowa City or any other independent
35 medical ~~cannabidiol~~ cannabis testing facility accredited

1 to standard ISO/IEC 17025 by an international organization
2 for standards-approved accrediting body, with a controlled
3 substance registration certificate from the United States drug
4 enforcement administration and a certificate of registration
5 from the board of pharmacy. For the purposes of [this chapter](#),
6 an independent laboratory is a laboratory operated by an entity
7 that has no equity ownership in a medical ~~cannabidiol~~ cannabis
8 manufacturer.

9 9. "*Marijuana*" means any derivative of marijuana including
10 but not limited to medical ~~cannabidiol~~ cannabis.

11 10. "*Medical ~~cannabidiol~~ cannabis*" means any pharmaceutical
12 grade cannabinoid found in the plant *Cannabis sativa* L. or
13 *Cannabis indica* or any other preparation thereof that is
14 delivered in a form recommended by the medical ~~cannabidiol~~
15 cannabis board, approved by the board of medicine, and adopted
16 by the department pursuant to rule.

17 11. "*Primary caregiver*" means a person who is a resident of
18 this state or a bordering state as defined in [section 331.910](#),
19 including but not limited to a parent or legal guardian, at
20 least eighteen years of age, who has been designated by a
21 patient's health care practitioner as a necessary caretaker
22 taking responsibility for managing the well-being of the
23 patient with respect to the use of medical ~~cannabidiol~~ cannabis
24 pursuant to the provisions of [this chapter](#).

25 Sec. 17. Section 124E.3, subsection 1, unnumbered paragraph
26 1, Code 2022, is amended to read as follows:

27 Prior to a patient's submission of an application for a
28 medical ~~cannabidiol~~ cannabis registration card pursuant to
29 section 124E.4, a health care practitioner shall do all of the
30 following:

31 Sec. 18. Section 124E.3, subsection 1, paragraph b, Code
32 2022, is amended to read as follows:

33 *b.* Provide explanatory information as provided by the
34 department to the patient about the therapeutic use of medical
35 ~~cannabidiol~~ cannabis and the possible risks, benefits, and side

1 effects of the proposed treatment.

2 Sec. 19. Section 124E.4, subsection 1, unnumbered paragraph
3 1, Code 2022, is amended to read as follows:

4 Subject to [subsection 6](#), the department may issue a medical
5 ~~cannabidiol~~ cannabis registration card to a patient who:

6 Sec. 20. Section 124E.4, subsection 2, unnumbered paragraph
7 1, Code 2022, is amended to read as follows:

8 A medical ~~cannabidiol~~ cannabis registration card issued to
9 a patient by the department pursuant to [subsection 1](#) shall
10 contain, at a minimum, all of the following:

11 Sec. 21. Section 124E.4, subsection 2, paragraph b, Code
12 2022, is amended to read as follows:

13 *b.* The date of issuance and expiration date of the medical
14 ~~cannabidiol~~ cannabis registration card.

15 Sec. 22. Section 124E.4, subsection 3, unnumbered paragraph
16 1, Code 2022, is amended to read as follows:

17 For a patient in a primary caregiver's care, subject to
18 subsection 6, the department may issue a medical ~~cannabidiol~~
19 cannabis registration card to the primary caregiver who:

20 Sec. 23. Section 124E.4, subsection 4, unnumbered paragraph
21 1, Code 2022, is amended to read as follows:

22 A medical ~~cannabidiol~~ cannabis registration card issued by
23 the department to a primary caregiver pursuant to [subsection 3](#)
24 shall contain, at a minimum, all of the following:

25 Sec. 24. Section 124E.4, subsection 4, paragraph c, Code
26 2022, is amended to read as follows:

27 *c.* The medical ~~cannabidiol~~ cannabis registration card
28 number of each patient in the primary caregiver's care. If
29 the patient in the primary caregiver's care is under the age
30 of eighteen, the full name of the patient's parent or legal
31 guardian.

32 Sec. 25. Section 124E.4, subsections 5 and 6, Code 2022, are
33 amended to read as follows:

34 5. *Expiration date of card.* A medical ~~cannabidiol~~ cannabis
35 registration card issued pursuant to [this section](#) shall expire

1 one year after the date of issuance and may be renewed.

2 6. *Federally approved clinical trials.* The department shall
3 not approve the issuance of a medical ~~eannabidiol~~ cannabis
4 registration card pursuant to [this section](#) for a patient who
5 is enrolled in a federally approved clinical trial for the
6 treatment of a debilitating medical condition with medical
7 ~~eannabidiol~~ cannabis.

8 Sec. 26. Section 124E.5, subsections 2, 3, 4, 5, and 6, Code
9 2022, are amended to read as follows:

10 2. The medical ~~eannabidiol~~ cannabis board shall convene at
11 least twice per year.

12 3. The duties of the medical ~~eannabidiol~~ cannabis board
13 shall include but not be limited to the following:

14 a. Accepting and reviewing petitions to add medical
15 conditions, medical treatments, or debilitating diseases to the
16 list of debilitating medical conditions for which the medical
17 use of ~~eannabidiol~~ cannabis would be medically beneficial under
18 this chapter.

19 b. Making recommendations relating to the removal or
20 addition of debilitating medical conditions to the list
21 of allowable debilitating medical conditions for which the
22 medical use of ~~eannabidiol~~ cannabis under [this chapter](#) would
23 be medically beneficial.

24 c. Working with the department regarding the requirements
25 for the licensure of medical ~~eannabidiol~~ cannabis manufacturers
26 and medical ~~eannabidiol~~ cannabis dispensaries, including
27 licensure procedures.

28 d. Advising the department regarding the location of medical
29 ~~eannabidiol~~ cannabis manufacturers and medical ~~eannabidiol~~
30 cannabis dispensaries throughout the state.

31 e. Making recommendations relating to the form and quantity
32 of allowable medical uses of ~~eannabidiol~~ cannabis.

33 4. Recommendations made by the medical ~~eannabidiol~~ cannabis
34 board pursuant to [subsection 3](#), paragraphs "b" and "e", shall
35 be made to the board of medicine for consideration, and if

1 approved, shall be adopted by the board of medicine by rule.

2 5. On or before January 1 of each year, beginning January
3 1, 2018, the medical ~~eannabidiol~~ cannabis board shall submit a
4 report detailing the activities of the board.

5 6. The general assembly shall have the sole authority
6 to revise the definition of medical ~~eannabidiol~~ cannabis for
7 purposes of **this chapter**.

8 Sec. 27. Section 124E.6, Code 2022, is amended to read as
9 follows:

10 **124E.6 Medical ~~eannabidiol~~ cannabis manufacturer licensure.**

11 1. *a.* The department shall issue a request for proposals
12 to select and license by December 1, 2017, up to two medical
13 ~~eannabidiol~~ cannabis manufacturers to manufacture and to
14 possess, cultivate, harvest, transport, package, process,
15 or supply medical ~~eannabidiol~~ cannabis within this state
16 consistent with the provisions of **this chapter**. The department
17 shall license new medical ~~eannabidiol~~ cannabis manufacturers
18 or relicense the existing medical ~~eannabidiol~~ cannabis
19 manufacturers by December 1 of each year.

20 *b.* Information submitted during the application process
21 shall be confidential until a medical ~~eannabidiol~~ cannabis
22 manufacturer is licensed by the department unless otherwise
23 protected from disclosure under state or federal law.

24 2. As a condition for licensure, a medical ~~eannabidiol~~
25 cannabis manufacturer must agree to begin supplying medical
26 ~~eannabidiol~~ cannabis to medical ~~eannabidiol~~ cannabis
27 dispensaries in this state no later than December 1, 2018.

28 3. The department shall consider the following factors in
29 determining whether to select and license a medical ~~eannabidiol~~
30 cannabis manufacturer:

31 *a.* The technical expertise of the medical ~~eannabidiol~~
32 cannabis manufacturer regarding medical ~~eannabidiol~~ cannabis.

33 *b.* The qualifications of the medical ~~eannabidiol~~ cannabis
34 manufacturer's employees.

35 *c.* The long-term financial stability of the medical

1 ~~eannabidiol~~ cannabis manufacturer.

2 *d.* The ability to provide appropriate security measures on
3 the premises of the medical ~~eannabidiol~~ cannabis manufacturer.

4 *e.* Whether the medical ~~eannabidiol~~ cannabis manufacturer
5 has demonstrated an ability to meet certain medical ~~eannabidiol~~
6 cannabis production needs for medical use regarding the range
7 of recommended dosages for each debilitating medical condition,
8 the range of chemical compositions of any plant of the genus
9 cannabis that will likely be medically beneficial for each
10 of the debilitating medical conditions, and the form of the
11 medical ~~eannabidiol~~ cannabis in the manner determined by the
12 department pursuant to rule.

13 *f.* The medical ~~eannabidiol~~ cannabis manufacturer's
14 projection of and ongoing assessment of fees on patients with
15 debilitating medical conditions.

16 4. A medical ~~eannabidiol~~ cannabis manufacturer shall
17 contract with a laboratory to perform spot-check testing of
18 the medical ~~eannabidiol~~ cannabis produced by the medical
19 ~~eannabidiol~~ cannabis manufacturer as provided in section
20 124E.7. The department shall require that the laboratory
21 report testing results to the medical ~~eannabidiol~~ cannabis
22 manufacturer and the department as determined by the department
23 by rule. If a medical ~~eannabidiol~~ cannabis manufacturer
24 contracts with a laboratory other than the state hygienic
25 laboratory at the university of Iowa in Iowa City, the
26 department shall approve the laboratory to perform testing
27 pursuant to [this chapter](#).

28 5. Each entity submitting an application for licensure
29 as a medical ~~eannabidiol~~ cannabis manufacturer shall pay a
30 nonrefundable application fee of seven thousand five hundred
31 dollars to the department.

32 Sec. 28. Section 124E.7, subsections 1, 2, 3, 4, 5, 6, 7, 8,
33 9, 10, and 11, Code 2022, are amended to read as follows:

34 1. A medical ~~eannabidiol~~ cannabis manufacturer shall
35 contract with a laboratory to perform spot-check testing of

1 the medical ~~cannabidiol~~ cannabis produced by the medical
2 ~~cannabidiol~~ cannabis manufacturer as to content, contamination,
3 and consistency. The cost of all laboratory testing shall be
4 paid by the medical ~~cannabidiol~~ cannabis manufacturer.

5 2. The operating documents of a medical ~~cannabidiol~~
6 cannabis manufacturer shall include all of the following:

7 a. Procedures for the oversight of the medical ~~cannabidiol~~
8 cannabis manufacturer and procedures to ensure accurate
9 recordkeeping.

10 b. Procedures for the implementation of appropriate security
11 measures to deter and prevent the theft of medical ~~cannabidiol~~
12 cannabis and unauthorized entrance into areas containing
13 medical ~~cannabidiol~~ cannabis.

14 3. A medical ~~cannabidiol~~ cannabis manufacturer shall
15 implement security requirements, including requirements for
16 protection of each location by a fully operational security
17 alarm system, facility access controls, perimeter intrusion
18 detection systems, and a personnel identification system.

19 4. A medical ~~cannabidiol~~ cannabis manufacturer shall
20 not share office space with, refer patients to, or have any
21 financial relationship with a health care practitioner.

22 5. A medical ~~cannabidiol~~ cannabis manufacturer shall not
23 permit any person to consume medical ~~cannabidiol~~ cannabis on
24 the property of the medical ~~cannabidiol~~ cannabis manufacturer.

25 6. A medical ~~cannabidiol~~ cannabis manufacturer is subject
26 to reasonable inspection by the department.

27 7. A medical ~~cannabidiol~~ cannabis manufacturer shall not
28 employ a person who is under eighteen years of age or who has
29 been convicted of a disqualifying felony offense. An employee
30 of a medical ~~cannabidiol~~ cannabis manufacturer shall be subject
31 to a background investigation conducted by the division of
32 criminal investigation of the department of public safety and a
33 national criminal history background check pursuant to section
34 124E.19.

35 8. A medical ~~cannabidiol~~ cannabis manufacturer owner shall

1 not have been convicted of a disqualifying felony offense and
2 shall be subject to a background investigation conducted by
3 the division of criminal investigation of the department of
4 public safety and a national criminal history background check
5 pursuant to [section 124E.19](#).

6 9. A medical ~~cannabidiol~~ cannabis manufacturer shall not
7 operate at the same physical location as a medical ~~cannabidiol~~
8 cannabis dispensary.

9 10. A medical ~~cannabidiol~~ cannabis manufacturer shall not
10 operate in any location, whether for manufacturing, possessing,
11 cultivating, harvesting, transporting, packaging, processing,
12 or supplying, within one thousand feet of a public or private
13 school existing before the date of the medical ~~cannabidiol~~
14 cannabis manufacturer's licensure by the department.

15 11. A medical ~~cannabidiol~~ cannabis manufacturer shall
16 comply with reasonable restrictions set by the department
17 relating to signage, marketing, display, and advertising of
18 medical ~~cannabidiol~~ cannabis.

19 Sec. 29. Section 124E.7, subsection 12, paragraphs a and b,
20 Code 2022, are amended to read as follows:

21 a. A medical ~~cannabidiol~~ cannabis manufacturer shall provide
22 a reliable and ongoing supply of medical ~~cannabidiol~~ cannabis
23 to medical ~~cannabidiol~~ cannabis dispensaries pursuant to this
24 chapter.

25 b. All manufacturing, cultivating, harvesting, packaging,
26 and processing of medical ~~cannabidiol~~ cannabis shall take place
27 in an enclosed, locked facility at a physical address provided
28 to the department during the licensure process.

29 Sec. 30. Section 124E.8, Code 2022, is amended to read as
30 follows:

31 **124E.8 Medical ~~cannabidiol~~ cannabis dispensary licensure.**

32 1. a. The department shall issue a request for proposals
33 to select and license by April 1, 2018, up to five medical
34 ~~cannabidiol~~ cannabis dispensaries to dispense medical
35 ~~cannabidiol~~ cannabis within this state consistent with the

1 provisions of this chapter. The department shall license new
2 medical ~~eannabidiol~~ cannabis dispensaries or relicense the
3 existing medical ~~eannabidiol~~ cannabis dispensaries by December
4 1 of each year.

5 *b.* Information submitted during the application process
6 shall be confidential until a medical ~~eannabidiol~~ cannabis
7 dispensary is licensed by the department unless otherwise
8 protected from disclosure under state or federal law.

9 2. As a condition for licensure, a medical ~~eannabidiol~~
10 cannabis dispensary must agree to begin supplying medical
11 ~~eannabidiol~~ cannabis to patients by December 1, 2018.

12 3. The department shall consider the following factors in
13 determining whether to select and license a medical ~~eannabidiol~~
14 cannabis dispensary:

15 *a.* The technical expertise of the medical ~~eannabidiol~~
16 cannabis dispensary regarding medical ~~eannabidiol~~ cannabis.

17 *b.* The qualifications of the medical ~~eannabidiol~~ cannabis
18 dispensary's employees.

19 *c.* The long-term financial stability of the medical
20 ~~eannabidiol~~ cannabis dispensary.

21 *d.* The ability to provide appropriate security measures on
22 the premises of the medical ~~eannabidiol~~ cannabis dispensary.

23 *e.* The medical ~~eannabidiol~~ cannabis dispensary's projection
24 and ongoing assessment of fees for the purchase of medical
25 ~~eannabidiol~~ cannabis on patients with debilitating medical
26 conditions.

27 4. Each entity submitting an application for licensure
28 as a medical ~~eannabidiol~~ cannabis dispensary shall pay a
29 nonrefundable application fee of five thousand dollars to the
30 department.

31 Sec. 31. Section 124E.9, subsections 1, 2, 3, 4, 5, 6, 7,
32 8, 9, 10, 11, 12, and 13, Code 2022, are amended to read as
33 follows:

34 1. *a.* The medical ~~eannabidiol~~ cannabis dispensaries shall
35 be located based on geographical need throughout the state to

1 improve patient access.

2 *b.* A medical ~~cannabidiol~~ cannabis dispensary may dispense
3 medical ~~cannabidiol~~ cannabis pursuant to the provisions of this
4 chapter but shall not dispense any medical ~~cannabidiol~~ cannabis
5 in a form or quantity other than the form or quantity allowed
6 by the department pursuant to rule.

7 2. The operating documents of a medical ~~cannabidiol~~
8 cannabis dispensary shall include all of the following:

9 *a.* Procedures for the oversight of the medical ~~cannabidiol~~
10 cannabis dispensary and procedures to ensure accurate
11 recordkeeping.

12 *b.* Procedures for the implementation of appropriate security
13 measures to deter and prevent the theft of medical ~~cannabidiol~~
14 cannabis and unauthorized entrance into areas containing
15 medical ~~cannabidiol~~ cannabis.

16 3. A medical ~~cannabidiol~~ cannabis dispensary shall
17 implement security requirements, including requirements for
18 protection by a fully operational security alarm system,
19 facility access controls, perimeter intrusion detection
20 systems, and a personnel identification system.

21 4. A medical ~~cannabidiol~~ cannabis dispensary shall not
22 share office space with, refer patients to, or have any
23 financial relationship with a health care practitioner.

24 5. A medical ~~cannabidiol~~ cannabis dispensary shall not
25 permit any person to consume medical ~~cannabidiol~~ cannabis on
26 the property of the medical ~~cannabidiol~~ cannabis dispensary.

27 6. A medical ~~cannabidiol~~ cannabis dispensary is subject to
28 reasonable inspection by the department.

29 7. A medical ~~cannabidiol~~ cannabis dispensary shall not
30 employ a person who is under eighteen years of age or who has
31 been convicted of a disqualifying felony offense. An employee
32 of a medical ~~cannabidiol~~ cannabis dispensary shall be subject
33 to a background investigation conducted by the division of
34 criminal investigation of the department of public safety and a
35 national criminal history background check pursuant to section

1 124E.19.

2 8. A medical ~~cannabidiol~~ cannabis dispensary owner shall
3 not have been convicted of a disqualifying felony offense and
4 shall be subject to a background investigation conducted by
5 the division of criminal investigation of the department of
6 public safety and a national criminal history background check
7 pursuant to [section 124E.19](#).

8 9. A medical ~~cannabidiol~~ cannabis dispensary shall not
9 operate at the same physical location as a medical ~~cannabidiol~~
10 cannabis manufacturer.

11 10. A medical ~~cannabidiol~~ cannabis dispensary shall not
12 operate in any location within one thousand feet of a public
13 or private school existing before the date of the medical
14 ~~cannabidiol~~ cannabis dispensary's licensure by the department.

15 11. A medical ~~cannabidiol~~ cannabis dispensary shall comply
16 with reasonable restrictions set by the department relating
17 to signage, marketing, display, and advertising of medical
18 ~~cannabidiol~~ cannabis.

19 12. Prior to dispensing of any medical ~~cannabidiol~~
20 cannabis, a medical ~~cannabidiol~~ cannabis dispensary shall do
21 all of the following:

22 a. Verify that the medical ~~cannabidiol~~ cannabis dispensary
23 has received a valid medical ~~cannabidiol~~ cannabis registration
24 card from a patient or a patient's primary caregiver, if
25 applicable.

26 b. Assign a tracking number to any medical ~~cannabidiol~~
27 cannabis dispensed from the medical ~~cannabidiol~~ cannabis
28 dispensary.

29 c. Properly package medical ~~cannabidiol~~ cannabis in
30 compliance with federal law regarding child resistant packaging
31 and exemptions for packaging for elderly patients, and
32 label medical ~~cannabidiol~~ cannabis with a list of all active
33 ingredients and individually identifying information.

34 13. A medical ~~cannabidiol~~ cannabis dispensary shall employ
35 a pharmacist or pharmacy technician licensed or registered

1 pursuant to [chapter 155A](#) for the purpose of making dosing
2 recommendations.

3 Sec. 32. Section 124E.9, subsection 15, paragraph a, Code
4 2022, is amended to read as follows:

5 a. The health care practitioner who certified the patient
6 to receive a medical ~~cannabidiol~~ cannabis registration card
7 certifies that patient's debilitating medical condition is a
8 terminal illness with a life expectancy of less than one year.
9 A certification issued pursuant to this paragraph shall include
10 a total tetrahydrocannabinol cap deemed appropriate by the
11 patient's health care practitioner.

12 Sec. 33. Section 124E.10, Code 2022, is amended to read as
13 follows:

14 **124E.10 Fees.**

15 All fees collected by the department under [this chapter](#)
16 shall be retained by the department for operation of the
17 medical ~~cannabidiol~~ cannabis registration card program and
18 the medical ~~cannabidiol~~ cannabis manufacturer and medical
19 ~~cannabidiol~~ cannabis dispensary licensing programs. The moneys
20 retained by the department shall be considered repayment
21 receipts as defined in [section 8.2](#) and shall be used for any of
22 the department's duties under [this chapter](#), including but not
23 limited to the addition of full-time equivalent positions for
24 program services and investigations. Notwithstanding section
25 8.33, moneys retained by the department pursuant to this
26 section shall not revert to the general fund of the state but
27 shall remain available for expenditure only for the purposes
28 specified in [this section](#).

29 Sec. 34. Section 124E.11, subsection 1, paragraph a, Code
30 2022, is amended to read as follows:

31 a. The department shall maintain a confidential file of the
32 names of each patient to or for whom the department issues a
33 medical ~~cannabidiol~~ cannabis registration card and the name of
34 each primary caregiver to whom the department issues a medical
35 ~~cannabidiol~~ cannabis registration card under [section 124E.4](#).

1 Sec. 35. Section 124E.11, subsection 1, paragraph b,
2 subparagraph (1), subparagraph divisions (b) and (d), Code
3 2022, are amended to read as follows:

4 (b) To authorized employees of law enforcement agencies
5 of a state or political subdivision thereof, but only for the
6 purpose of verifying that a person is lawfully in possession
7 of a medical ~~eannabidiol~~ cannabis registration card issued
8 pursuant to this chapter.

9 (d) To any other authorized persons recognized by the
10 department by rule, but only for the purpose of verifying that
11 a person is lawfully in possession of a medical ~~eannabidiol~~
12 cannabis registration card issued pursuant to this chapter.

13 Sec. 36. Section 124E.11, subsection 2, Code 2022, is
14 amended to read as follows:

15 2. The department shall adopt rules pursuant to chapter
16 17A to administer this chapter which shall include but not be
17 limited to rules to do all of the following:

18 a. Govern the manner in which the department shall consider
19 applications for new and renewal medical ~~eannabidiol~~ cannabis
20 registration cards.

21 b. Ensure that the medical ~~eannabidiol~~ cannabis registration
22 card program operates on a self-sustaining basis.

23 c. Establish the form and quantity of medical ~~eannabidiol~~
24 cannabis allowed to be dispensed to a patient or primary
25 caregiver pursuant to this chapter as appropriate to serve the
26 medical needs of patients with debilitating medical conditions,
27 subject to recommendation by the medical ~~eannabidiol~~ cannabis
28 board and approval by the board of medicine.

29 d. Establish requirements for the licensure of medical
30 ~~eannabidiol~~ cannabis manufacturers and medical ~~eannabidiol~~
31 cannabis dispensaries and set forth procedures for medical
32 ~~eannabidiol~~ cannabis manufacturers and medical ~~eannabidiol~~
33 cannabis dispensaries to obtain licenses.

34 e. Develop a dispensing system for medical ~~eannabidiol~~
35 cannabis within this state that provides for all of the

1 following:

2 (1) Medical ~~cannabidiol~~ cannabis dispensaries within this
3 state housed on secured grounds and operated by licensed
4 medical ~~cannabidiol~~ cannabis dispensaries.

5 (2) The dispensing of medical ~~cannabidiol~~ cannabis to
6 patients and their primary caregivers to occur at locations
7 designated by the department.

8 *f.* Establish and collect annual fees from medical
9 ~~cannabidiol~~ cannabis manufacturers and medical ~~cannabidiol~~
10 cannabis dispensaries to cover the costs associated with
11 regulating and inspecting medical ~~cannabidiol~~ cannabis
12 manufacturers and medical ~~cannabidiol~~ cannabis dispensaries.

13 *g.* Specify and implement procedures that address public
14 safety including security procedures and product quality
15 including measures to ensure contaminant-free cultivation of
16 medical ~~cannabidiol~~ cannabis, safety, and labeling.

17 *h.* Establish and implement a real-time, statewide medical
18 ~~cannabidiol~~ cannabis registry management sale tracking system
19 that is available to medical ~~cannabidiol~~ cannabis dispensaries
20 on a twenty-four-hour-a-day, seven-day-a-week basis for the
21 purpose of verifying that a person is lawfully in possession
22 of a medical ~~cannabidiol~~ cannabis registration card issued
23 pursuant to [this chapter](#) and for tracking the date of the sale
24 and quantity of medical ~~cannabidiol~~ cannabis purchased by a
25 patient or a primary caregiver.

26 *i.* Establish and implement a medical ~~cannabidiol~~ cannabis
27 inventory and delivery tracking system to track medical
28 ~~cannabidiol~~ cannabis from production by a medical ~~cannabidiol~~
29 cannabis manufacturer through dispensing at a medical
30 ~~cannabidiol~~ cannabis dispensary.

31 Sec. 37. Section 124E.12, Code 2022, is amended to read as
32 follows:

33 **124E.12 Use of medical ~~cannabidiol~~ cannabis — affirmative**
34 **defenses.**

35 1. A health care practitioner, including any authorized

1 agent or employee thereof, shall not be subject to
2 prosecution for the unlawful certification, possession, or
3 administration of marijuana under the laws of this state for
4 activities arising directly out of or directly related to the
5 certification or use of medical ~~eannabidiol~~ cannabis in the
6 treatment of a patient diagnosed with a debilitating medical
7 condition as authorized by [this chapter](#).

8 2. A medical ~~eannabidiol~~ cannabis manufacturer, including
9 any authorized agent or employee thereof, shall not be subject
10 to prosecution for manufacturing, possessing, cultivating,
11 harvesting, transporting, packaging, processing, or supplying
12 medical ~~eannabidiol~~ cannabis pursuant to [this chapter](#).

13 3. A medical ~~eannabidiol~~ cannabis dispensary, including
14 any authorized agent or employee thereof, shall not be subject
15 to prosecution for dispensing medical ~~eannabidiol~~ cannabis
16 pursuant to [this chapter](#).

17 4. *a.* In a prosecution for the unlawful possession of
18 marijuana under the laws of this state for the possession
19 of medical ~~eannabidiol~~ cannabis, including but not limited
20 to [chapters 124](#) and [453B](#), it is an affirmative and complete
21 defense to the prosecution that the patient has been diagnosed
22 with a debilitating medical condition, used or possessed
23 medical ~~eannabidiol~~ cannabis pursuant to a certification by a
24 health care practitioner as authorized under [this chapter](#), and,
25 for a patient eighteen years of age or older, is in possession
26 of a valid medical ~~eannabidiol~~ cannabis registration card
27 issued pursuant to [this chapter](#).

28 *b.* In a prosecution for the unlawful possession of marijuana
29 under the laws of this state for the possession of medical
30 ~~eannabidiol~~ cannabis, including but not limited to [chapters](#)
31 [124](#) and [453B](#), it is an affirmative and complete defense to
32 the prosecution that the person possessed medical ~~eannabidiol~~
33 cannabis because the person is a primary caregiver of a patient
34 who has been diagnosed with a debilitating medical condition
35 and is in possession of a valid medical ~~eannabidiol~~ cannabis

1 registration card issued pursuant to [this chapter](#), and where
2 the primary caregiver's possession of the medical ~~eannabidiol~~
3 cannabis is on behalf of the patient and for the patient's use
4 only as authorized under [this chapter](#).

5 c. If a patient or primary caregiver is charged with
6 the unlawful possession of marijuana under the laws of this
7 state for the possession of medical ~~eannabidiol~~ cannabis,
8 including but not limited to [chapters 124](#) and [453B](#), and is not
9 in possession of the person's medical ~~eannabidiol~~ cannabis
10 registration card, any charge or charges filed against the
11 person for the possession of medical ~~eannabidiol~~ cannabis
12 shall be dismissed by the court if the person produces to the
13 court prior to or at the person's trial a medical ~~eannabidiol~~
14 cannabis registration card issued to that person and valid at
15 the time the person was charged.

16 5. An agency of this state or a political subdivision
17 thereof, including any law enforcement agency, shall not remove
18 or initiate proceedings to remove a patient under the age
19 of eighteen from the home of a parent based solely upon the
20 parent's or patient's possession or use of medical ~~eannabidiol~~
21 cannabis as authorized under [this chapter](#).

22 6. The department and any health care practitioner,
23 including any authorized agent or employee thereof, are not
24 subject to any civil or disciplinary penalties by the board
25 of medicine or any business, occupational, or professional
26 licensing board or entity, solely for activities conducted
27 relating to a patient's possession or use of medical
28 ~~eannabidiol~~ cannabis as authorized under [this chapter](#). Nothing
29 in [this section](#) affects a professional licensing board from
30 taking action in response to violations of any other section
31 of law.

32 7. Notwithstanding any law to the contrary, the department,
33 the governor, or any employee of any state agency shall not
34 be held civilly or criminally liable for any injury, loss
35 of property, personal injury, or death caused by any act or

1 omission while acting within the scope of office or employment
2 as authorized under [this chapter](#).

3 8. An attorney shall not be subject to disciplinary action
4 by the Iowa supreme court or attorney disciplinary board for
5 providing legal assistance to a patient, primary caregiver, or
6 others based upon a patient's or primary caregiver's possession
7 or use of medical ~~cannabidiol~~ cannabis as authorized under this
8 chapter.

9 9. Possession of a medical ~~cannabidiol~~ cannabis
10 registration card or an application for a medical ~~cannabidiol~~
11 cannabis registration card by a person entitled to possess or
12 apply for a medical ~~cannabidiol~~ cannabis registration card
13 shall not constitute probable cause or reasonable suspicion,
14 and shall not be used to support a search of the person or
15 property of the person possessing or applying for the medical
16 ~~cannabidiol~~ cannabis registration card, or otherwise subject
17 the person or property of the person to inspection by any
18 governmental agency.

19 Sec. 38. Section 124E.13, Code 2022, is amended to read as
20 follows:

21 **124E.13 Medical ~~cannabidiol~~ cannabis source.**

22 Medical ~~cannabidiol~~ cannabis provided exclusively pursuant
23 to a written certification of a health care practitioner, if
24 not legally available in this state or from any other bordering
25 state, shall be obtained from an out-of-state source.

26 Sec. 39. Section 124E.14, Code 2022, is amended to read as
27 follows:

28 **124E.14 Out-of-state medical ~~cannabidiol~~ cannabis**
29 **dispensaries.**

30 The department of public health shall utilize a request for
31 proposals process to select and license by December 1, 2017, up
32 to two out-of-state medical ~~cannabidiol~~ cannabis dispensaries
33 from a bordering state to sell and dispense medical ~~cannabidiol~~
34 cannabis to a patient or primary caregiver in possession of a
35 valid medical ~~cannabidiol~~ cannabis registration card issued

1 under [this chapter](#).

2 Sec. 40. Section 124E.15, Code 2022, is amended to read as
3 follows:

4 **124E.15 Iowa patients and primary caregivers registering in
5 the state of Minnesota.**

6 A patient or a primary caregiver with a valid medical
7 ~~eannabidiol~~ cannabis registration card issued pursuant to this
8 chapter may register in the state of Minnesota as a visiting
9 qualified patient or primary caregiver and may register with
10 one or more medical cannabis manufacturers registered under the
11 laws of Minnesota.

12 Sec. 41. Section 124E.16, Code 2022, is amended to read as
13 follows:

14 **124E.16 Penalties.**

15 1. A person who knowingly or intentionally possesses or uses
16 medical ~~eannabidiol~~ cannabis in violation of the requirements
17 of [this chapter](#) is subject to the penalties provided under
18 chapters 124 and 453B.

19 2. A medical ~~eannabidiol~~ cannabis manufacturer or a medical
20 ~~eannabidiol~~ cannabis dispensary shall be assessed a civil
21 penalty of up to one thousand dollars per violation for any
22 violation of [this chapter](#) in addition to any other applicable
23 penalties.

24 Sec. 42. Section 124E.17, Code 2022, is amended to read as
25 follows:

26 **124E.17 Use of medical ~~eannabidiol~~ cannabis — smoking
27 prohibited.**

28 A patient shall not consume medical ~~eannabidiol~~ cannabis
29 possessed or used as authorized under [this chapter](#) by smoking
30 medical ~~eannabidiol~~ cannabis.

31 Sec. 43. Section 124E.18, Code 2022, is amended to read as
32 follows:

33 **124E.18 Reciprocity.**

34 A valid medical ~~eannabidiol~~ cannabis registration card,
35 or its equivalent, issued under the laws of another state

1 that allows an out-of-state patient to possess or use medical
2 ~~cannabidiol~~ cannabis in the jurisdiction of issuance shall
3 have the same force and effect as a valid medical ~~cannabidiol~~
4 cannabis registration card issued pursuant to [this chapter](#),
5 except that an out-of-state patient in this state shall not
6 obtain medical ~~cannabidiol~~ cannabis from a medical ~~cannabidiol~~
7 cannabis dispensary in this state.

8 Sec. 44. Section 124E.19, subsections 1, 2, and 4, Code
9 2022, are amended to read as follows:

10 1. The division of criminal investigation of the
11 department of public safety shall conduct thorough background
12 investigations for the purposes of licensing medical
13 ~~cannabidiol~~ cannabis manufacturers and medical ~~cannabidiol~~
14 cannabis dispensaries under [this chapter](#). The results of any
15 background investigation conducted pursuant to [this section](#)
16 shall be presented to the department.

17 a. An applicant for a medical ~~cannabidiol~~ cannabis
18 manufacturer license or a medical ~~cannabidiol~~ cannabis
19 dispensary license and their owners, investors, and employees
20 shall submit all required information on a form prescribed by
21 the department of public safety.

22 b. The department shall charge an applicant for a medical
23 ~~cannabidiol~~ cannabis manufacturer license or a medical
24 ~~cannabidiol~~ cannabis dispensary license a fee determined by
25 the department of public safety and adopted by the department
26 by rule to defray the costs associated with background
27 investigations conducted pursuant to the requirements of this
28 section. The fee shall be in addition to any other fees
29 charged by the department. The fee may be retained by the
30 department of public safety and shall be considered repayment
31 receipts as defined in [section 8.2](#).

32 2. The department shall require an applicant for a
33 medical ~~cannabidiol~~ cannabis manufacturer license or a
34 medical ~~cannabidiol~~ cannabis dispensary license, their owners
35 and investors, and applicants for employment at a medical

1 ~~cannabidiol~~ cannabis manufacturer or medical ~~cannabidiol~~
2 cannabis dispensary to submit fingerprints and other required
3 identifying information to the department on a form prescribed
4 by the department of public safety. The department shall
5 submit the fingerprint cards and other identifying information
6 to the division of criminal investigation of the department
7 of public safety for submission to the federal bureau of
8 investigation for the purpose of conducting a national criminal
9 history record check. The department may require employees and
10 contractors involved in carrying out a background investigation
11 to submit fingerprints and other identifying information for
12 the same purpose.

13 4. An applicant for a medical ~~cannabidiol~~ cannabis
14 manufacturer license or a medical ~~cannabidiol~~ cannabis
15 dispensary license shall submit information and fees required
16 by [this section](#) at the time of application.

17 Sec. 45. Section 124E.20, Code 2022, is amended to read as
18 follows:

19 **124E.20 Observational effectiveness study.**

20 The department may conduct an observational effectiveness
21 study in cooperation with patients and health care
22 practitioners and pursuant to rules of the department in order
23 to study the effectiveness of medical ~~cannabidiol~~ cannabis in
24 the treatment of debilitating medical conditions.

25 Sec. 46. Section 204.17, subsection 4, Code 2022, is amended
26 to read as follows:

27 4. Nothing in [this chapter](#) shall be construed or applied
28 to authorize a person to manufacture, recommend, possess, use,
29 dispense, deliver, transport, or administer medical ~~cannabidiol~~
30 cannabis pursuant to [chapter 124E](#).

31 Sec. 47. Section 730.5, subsection 11, paragraph f, Code
32 2022, is amended to read as follows:

33 *f.* Testing or taking action against an employee or
34 prospective employee with a confirmed positive test result due
35 to the employee's or prospective employee's use of medical

1 ~~cannabidiol~~ cannabis as authorized under [chapter 124E](#).

2 EXPLANATION

3 The inclusion of this explanation does not constitute agreement with
4 the explanation's substance by the members of the general assembly.

5 This bill relates to the medical cannabidiol program. The
6 bill is organized into divisions.

7 DIVISION I — MEDICAL CANNABIDIOL PROGRAM. The bill changes
8 the name of the medical cannabidiol Act to the medical cannabis
9 Act.

10 The bill allows a health care practitioner to certify a
11 patient for the use of medical cannabis to a patient for
12 any medical condition for which a patient's health care
13 practitioner determines the use of medical cannabis could be
14 medically beneficial. The bill requires that any certification
15 made by a health care practitioner for a patient for a
16 debilitating medical condition not explicitly included on
17 the list of debilitating medical conditions shall be made by
18 a health care practitioner pursuant to reasonable medical
19 evidence, in good faith, in the best interest of the patient,
20 without fraudulent intent, and with the same reasonable medical
21 judgment and prudence exercised according to generally accepted
22 medical practice.

23 The bill adds pharmacists to the list of health care
24 practitioners able to certify a patient to receive a medical
25 cannabis registration card. The bill requires a pharmacist to
26 complete a training program designated by the board of pharmacy
27 prior to certifying a patient to receive a medical cannabis
28 registration card.

29 The bill lowers the fee to receive a medical cannabis
30 registration card from \$25 to \$10 and requires the department
31 of public health to waive the fee for veterans. The bill
32 expands the membership of the medical cannabis board from 8
33 to 10 members and adds one member licensed as a physician
34 assistant and one member licensed as an advanced practice
35 registered nurse.

1 The bill allows a medical cannabis manufacturer to
2 manufacture edible medical cannabis products. The bill
3 prohibits such products from being designed or packaged in
4 such a way as would be likely to appeal to children. The bill
5 raises the cap on total tetrahyrdocannabinol that a patient may
6 receive in a 90-day period from 4.5 grams to 17 grams.

7 The bill allows a medical cannabis dispensary to send
8 medical cannabis to a patient following an initial telehealth
9 visit and verification that the patient possesses a valid
10 medical cannabis registration card.

11 The bill exempts sales of medical cannabis products by a
12 medical cannabis manufacturer or a medical cannabis dispensary
13 pursuant to Code chapter 124E (medical cannabidiol Act) from
14 sales tax.

15 DIVISION II — CONFORMING CODE CHANGES. This division
16 changes references from "medical cannabidiol" to "medical
17 cannabis" throughout the Code.